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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,885	12/29/2000	Peter Rosler	00-223	8374

7590

06/07/2004

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,885

Applicant(s)

ROSLER, PETER

Examiner

Alfred Joseph Wujciak

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This is the first Office Action for the serial number 09/751,885, Hanger for Plastic Bags and Pouches, filed on 12/29/00.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 14, claim 8, line 1 and claims 11-12, lines 1-4, "the bag" cites combination/subcombination problem because "the bag" is not positively cited in the preamble of claim 1.

Claim 17, line 15, claim 24, line 2 and claims 27-28, lines 1-4, "the bag" cites combination/subcombination problem because "the bag" is not positively cited in the preamble of claim 17.

Claims 2-16 are rejected as depending on rejected claim 1 and claims 18-32 are rejected as depending on rejected claim 17.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 15, 17-24 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 3,755,859 to Solari.

Solari teaches a hanger (figure 8) comprising a card body (31) having at least one recess (34), at least one holding strip (30), and at least one film hinge (32). The card body defines one side with a first portion of the one side defining a flat surface and a second portion of the one side defining a fastening surface that is recessed from the flat surface of the first portion. The holding strip cooperates with the card body to define a gap (figure 10) between the holding strip and the card body. The film hinge pivotally connects the holding strip to the one side of the card body. The hanger further comprises a means for latching (33) the holding strip in a closed position adjacent to the side of body. Means for latching the holding strip releasably latches the holding strip to the fastening surface of the body. The card body includes a side edge and wherein the means for latching engages the side edge of the body (36). The holding strip is oriented substantially parallel to major and minor edges of the body (figure 1). Means for latching extends through an article (13) that is maintained between the holding strip and the body (figure 1). The film hinge (1) is oriented in a substantially vertical position.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solari and in view of US Patent # 4,983,047 to Netto.

Solari teaches means for latching but fails to teach means for latching comprising mandrels. Netto teaches means for latching comprising mandrels (9). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have replaced Solari's means for latching with mandrels as taught by Netto to provide an additional support for retaining an article onto the card body.

Claims 11-12 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solari in view of France Patent # 2,579,174 to Ausnit.

Solari teaches the body and the holding strip define a transverse cavity/open slot (figure 10, located between two elements 33) that receives the article but fails to teach the hanger supports a bag having a closure bead. Ausnit teaches the bag having a closure bead (38). It would have been obvious for one of ordinary skill in the art at the

time the invention was made to have replaced Solari's article with bag having a closure bead as taught by Ausnit to provide a suspending support for the bag.

Claims 16 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solari.

Solari in figure 8 shows the film hinge is oriented in the vertical position but fails to teach the film hinge is oriented in horizontal position. Figures 11-12 of Solari's invention show that the film hinge is in horizontal position. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Solari's figure 8 hinge position from vertical to horizontal position as taught in figures 11-12 in Solari's invention to provide designer's choice for the location of hinge on the card body for the holding strip to close in vertical direction.

Allowable Subject Matter

Claims 13-14 and 29-30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

In regard to claims 13 and 29, the prior art fails to teach the surface of the card body defines a transverse groove that cooperates with the holding strip to form the transverse cavity. In regard claims 14 and 30, the prior art fails to teach the surface of the holding strip defines a transverse groove that cooperates with the card body to form the transverse cavity.

Response to Arguments

Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 5,957,344 to Kolton

US Patent # 3,790,045 to Rigel et al.

US Patent # 5,620,118 to Kolton et al.

US Patent # 5,501,378 to Kolton et al.

Kolton and Rigel et al. teach the card body and holding strip having hinge for connecting to the body to retain the article therein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/751,885
Art Unit: 3632

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632

AJW

5/27/04



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER